

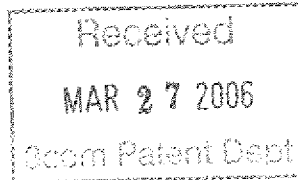


# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,931	02/21/2002	Pankaj Chhabra	3645.US.P	6564

56436 7590 03/23/2006  
3COM CORPORATION  
350 CAMPUS DRIVE  
MARLBOROUGH, MA 01752-3064



EXAMINER

ROCHE, TRENTON J

ART UNIT PAPER NUMBER

2193

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*[Handwritten signature]*  
AJC

By <i>mc</i>	DOCKETED
<i>File Per to Revive</i>	
Due	

# **Notice of Abandonment**

Application No.

10/080,931

Examiner

Trenton J. Roche

Applicant(s)

CHHABRA ET AL.

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 August 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The Office received a Power of Attorney filed 31 January 2006, however, no other filing constituting a proper reply to the Office letter of 11 August 2005 had been received by the Office.

*Handwritten signature: [Signature]*  
10/21/2006  
2193/CHHABRA ET AL.  
10/21/2006

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



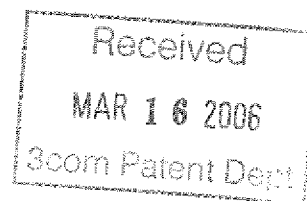
# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,931	02/21/2002	Pankaj Chhabra	3645.US.P	6564
56436	7590	03/13/2006	EXAMINER	
3COM CORPORATION 350 CAMPUS DRIVE MARLBOROUGH, MA 01752-3064			ROCHE, TRENTON J	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Interview Summary

By	mc	DOCKETED
Due	4/13/06	

<b>Interview Summary</b>	<b>Application No.</b> 10/080,931	<b>Applicant(s)</b> CHHABRA ET AL.	
	<b>Examiner</b> Trenton J. Roche	<b>Art Unit</b> 2193	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Trenton J. Roche. (3) \_\_\_\_\_  
 (2) Andrew J. Curtin, Reg. No. 48,485. (4) \_\_\_\_\_

Date of Interview: 08 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: N/A.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants' representative contacted the Examiner and inquired whether the Office had received a response to the final rejection of 11 August 2005. The Examiner noted that the last correspondence received was a Power of Attorney filed 31 January 2006, but no other reply had been received. Applicants' representative indicated that they had sent in a reply, which must have been lost in the mail. As such, the Examiner will abandon the application and advised the Applicants' representative to file a petition to withdrawal holding of abandonment, along with the response and proof of prior filing.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.				
Date of Deposit:	12/07/2005	Name of Person Making the Deposit:	Kristel Lang	Signature of the Person Making the Deposit:

Inventor(s): CHHABRA et al. Confirmation No.: 6564  
 Application No.: 10/080,931 Group Art Unit: 2193  
 Filed: 02/21/2002 Examiner: Roche, T.J.  
 Title: A ROBUST REMOTE FLASH ROM UPGRADE SYSTEM AND METHOD

Mail Stop Amendment  
 Commissioner of Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

1. Transmitted herewith is an amendment for this application

☒ Transmitted herewith is a response to an office action for the above identified patent application.  
 ( 13 sheets)  
☐ Transmitted herewith are                      sheets of substitute formal drawings.  
☐ Other:

2. Applicant is other than a small entity

**Extension of Term**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136  
 (fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
<input checked="" type="checkbox"/> one month	\$120.00
<input type="checkbox"/> two months	\$450.00
<input type="checkbox"/> three months	\$1,020.00
<input type="checkbox"/> four months	\$1,590.00

Fee \$ 120.00

If an additional extension of time is required, please consider this a petition therefor.

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**Fee Calculation**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(for other than a small entity)					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	23	- 23 =	0	x \$50.00	\$0.00
Independent Claims	3	- 3 =	0	x \$200.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$360.00	\$0.00
<b>Total Fees</b>					<b>\$0.00</b>

**PAYMENT OF FEES**


5. The full fee due in connection with this communication is provided as follows:
- ☒ [ X ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.
- ☒ [ X ] A check in the amount of \$120.00
- ☐ [ ] Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
Customer No:41066

Respectfully submitted,

Date: 12/7/05

By:   
John P. Wagner Jr.  
Reg. No. 35,398



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
Chhabra, et al.	)	Examiner: Roche, Trenton J.
	)	
Serial No. 10/086,931	)	Art Unit: 2193
	)	
Filing Date: February 22, 2002	)	
	)	
For: A ROBUST REMOTE FLASH	)	
ROM UPGRADE	)	
SYSTEM AND METHOD	)	
<hr/>		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed August 11, 2005, the following amendments and remarks to the above captioned patent application are respectfully submitted. Reconsideration of the above captioned patent application is respectfully requested.

IN THE CLAIMS

1. (Currently amended) A remote upgrade method comprising:

performing a power up boot process;

monitoring for an indication of available upgrade information remotely,  
wherein said upgrade information is boot information, said indication of  
available upgrade information from a source of said available upgrade  
information;

engaging in an upgrade setup process automatically in which an upgrade  
indication variable is set to indicate an upgrade is required when said indication  
of available update information is received and said upgrade indication variable  
continues to indicate an upgrade is required until an upgrade is successfully  
completed; and

an update reboot process is executed.

2. (Original) The remote upgrade method of claim 1 further comprising:

booting up on operating system (O/S); and

launching an update application.

3. (Original) The remote upgrade method of claim 2 wherein the upgrade  
application is a transmission control protocol/internet protocol (TCP/IP) socket  
application residing on a target device.

4. (Original) The remote upgrade method of claim 3 in which said TCP/IP socket  
application waits for a request to engage in an update process, wherein said  
request is from a management station that is accessible via the internet.

5. (Original) The remote upgrade method of claim 1 wherein an update process  
message is received and includes an indication of an updated boot information  
location.

6. (Original) The remote upgrade method of claim 5 wherein the location indication is an internet protocol (IP) address of a management station and name of an updated boot file comprising updated information stored on said management station.

7. (Original) The remote upgrade method of claim 5 wherein said update setup process includes storing information indicating the location of updated boot information.

8. (Original) The remote upgrade method of claim 5 wherein a received internet protocol (IP) address of a management station server and update information file name are stored as values for an update location variable and an update information file variable in a flash read only memory (ROM).

9. (Original) The remote upgrade method of claim 1 wherein said update reboot process enters an update mode and retrieves updated information from a central management station.

10. (Original) The remote upgrade method of claim 1 wherein a boot loader routine reads said upgrade indication variable and repeatedly downloads updated information until said upgrade indication variable indicates there is no pending update download required.

11. (Original) The remote upgrade method of claim 1 wherein said upgrade indication variable is changed to indicate no pending update download is required when a download is verified and authenticated.

12. (Currently amended) An update reboot process comprising:

checking a pending update indication remotely, said pending update indication from a source of update information;

retrieving update location information;

downloading said update information automatically, wherein said update information is boot information;

determining if a download occurred successfully;

setting a pending update indication to indicate there is no pending update; and

completing a boot sequence.

13. (Original) An update reboot process of Claim 12 wherein a boot loader routing reads an upgrade indication variable.

14. (Original) An update reboot process of Claim 12 wherein management station identifier and update information file name variable are read.

15. (Currently amended) An update reboot process of Claim 12 wherein a connection is made to a an indicated management station and information from an update information file is retrieved and said information is stored in a flash read only memory.

16. (Original) An update reboot process of Claim 12 wherein received updated boot information is authenticated.

17. (Original) An update reboot process of Claim 12 wherein an authentication mechanism is a public key that prevents loading of "illegal" images and corrupted flask images.

18. (Original) An update reboot process of Claim 12 wherein an update application sets an upgrade indication variable to indicate no update is required and awaits future requests for update downloads.

19. (Currently amended) A boot information upgrade method comprising:

- executing an update management center process;
- initiating contact with target devices wherein the contact with said target devices indicates there is updated information;
- performing an update setup process automatically which sets up the target device configuration to prepare for receiving updated boot information, including tracking information identifying a location of updated boot information and setting a pending update indication variable appropriately to indicate boot update information is available and has not been successfully obtained;
- executing an update download process, including downloading updated boot information from the update management center and storing it in a read only memory (ROM), said update boot information download process repeats itself until a download is successfully completed; and
- performing a reboot sequence utilizing the updated information and continuing with normal operation.

20. (Currently amended) A boot information upgrade method of Claim 19 wherein said update management center process includes:

- creating updated boot information at a centralized location; and
- forwarding updated information which is loaded onto said target device.

21. (Original) A boot information upgrade method of Claim 20 further comprising:

- initiating contact with said target device, wherein the contact includes information necessary to access the updated information;
- requesting said target device to receive updated information; and
- monitoring for requests to download boot information.

22. (Original) A boot information upgrade method of Claim 20 wherein a central management station server forwards an internal protocol (IP) address of the central management station and a file name of a file comprising updated boot information.

23. (Original) A boot information upgrade method of Claim 20 wherein updated information is forwarded via the internet with a public key for authentication.

## REMARKS

The claims remaining in the present application are Claims 1-23. Claims 1, 12, 15, 19 and 20 have amended. No new matter has been added as a result of this amendment.

## CLAIM REJECTIONS

### 35 U.S.C. 103(a)

Claims 1-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill,, U.S. Patent Publication No. 2003/0182414 A1 in view of Olarig et al, United States Patent No. 6,009,524, hereinafter referred to as Olarig. The rejection is respectfully traversed for the reasons below.

Claim 1 recites:

A remote upgrade method comprising:  
performing a power up boot process;  
monitoring for an indication of available upgrade  
information remotely, wherein said upgrade information is boot  
information, said indication of available upgrade information from  
a source of said available upgrade information;  
engaging in an upgrade setup process automatically in  
which an upgrade indication variable is set to indicate an upgrade  
is required when said indication of available update information is  
received and said upgrade indication variable continues to indicate  
an upgrade is required until an upgrade is successfully completed;  
and  
an update reboot process is executed.

Applicants submit that neither O'Neill nor Olarig, alone or in combination, teach or suggest "monitoring for an indication of available upgrade information remotely, wherein said upgrade information is boot information, said indication of available upgrade information from a source of said available upgrade information;" as claimed. Therefore, Claim 1 is not rendered obvious by O'Neill in view of Olarig.

Neither O'Neill nor Olarig teach or suggest an indicator provided by the source of the upgrade information. Therefore, the combination fails to teach or suggest "said indication of available upgrade information from a source of said available upgrade information;" as claimed.

O'Neill fails to teach or suggest, "monitoring for an indication ... from a source of said upgrade information," for the following reasons. O'Neill, as understood by Applicants, may suggest a system and method for updating information in which the updated information may be stored in an update store. A client device then contacts the update store and an update generator compares the code in the client device with code retained in the update store. Upon comparison of the two code versions, the update generator generates an update code version based on the differences between the two code versions (paragraphs 0040, 0042 and 0043).

Applicants further understand that O'Neill may suggest a server array that may be able to store a plurality of update packages. The update server array



receives an identify confirmation and a request to update from a client device (paragraph 0044-0047).

Applicants also understand O'Neill to suggest the update server array that may create a manifest including a list of update packages. Upon client device recognition, the server array may transfer the server manifest to the client device which then reviews the server manifest and then requests the update package appropriate for the particular client device (paragraphs 0048-0050).

O'Neill, as understood by Applicants, may additionally suggest a collector which collects information and updates for other devices capable of being updated, and determines which client devices require updating, as disclosed in paragraph 0051.

Continuing, Applicants understand O'Neill to suggest a client side update determination in which a client device compares an update manifest and then requests the appropriate update package and a server side update determination in which the server performs the comparison and then transfers the appropriate update package to the client device (paragraphs 0056-0061).

Further, O'Neill, as understood by Applicants, discloses in Figure 2A and Figure 2B (see also related paragraphs in O'Neill reference) processes for updating in which the client device, after establishing communication with an update server, or update server array, polls a manifest of update packages and if the client device

determines an update package is appropriate, the client device requests the update package from the update server (paragraphs 0063-0076).

Applicants further understand O'Neill to suggest an update agent that responsible for processing update instructions and a download agent for performing operations related to communicating with the client devices (paragraph 0118-0123).

However, Applicants respectfully assert that while O'Neill may suggest an update server, an update server array, an update generator, an update store, an update agent and a download agent, nowhere does O'Neill suggest, teach or describe an update server, an update server array, an update generator, an update store, an update agent or a download agent generating an update indicator indicating the availability of update information, as is claimed.

Therefore, Applicants respectfully assert that nowhere does O'Neill suggest, teach or describe the claimed limitations of Claim 1.

With regard to Olarig, Applicants understand Olarig to suggest a method for flashing of a bios memory. As understood by Applicants, Olarig suggests an administrator obtains the upgrade software and loads it into the admin node. Then administrator verifies that it contains a proper vendor signature, adds his own signature and transmits the upgrade software to a client device where it is installed.

However, as understood by Applicants, Olarig does not suggest, teach or describe the source of the update software generating an indicator indicating the

availability of an update or upgrade package and/or software, as is recited in Claim 1. Thus, Applicants respectfully assert that Olarig does not suggest, teach or describe the claimed limitations nor does Olarig remedy the shortcomings of O'Neill.

Accordingly, Applicants respectfully assert that neither O'Neill nor Olarig, alone or in combination, do not suggest, teach or describe the limitations as recited in Claim 1. Claims 2-11 depend from Claim 1. Therefore, allowance of Claims 1-11 is respectfully solicited.

Accordingly, Applicants respectfully assert that neither O'Neill nor Olarig, alone or in combination, do not suggest, teach or describe the limitations as recited in Claim 12, which comprises limitations similar to Claim 1. Claims 13-18 depend from Claim 12. Therefore, allowance of Claims 12-18 is respectfully solicited.

Accordingly, Applicants respectfully assert that neither O'Neill nor Olarig, alone or in combination, do not suggest, teach or describe the limitations as recited in Claim 19, which comprises limitations similar to Claim 1. Claims 20-23 depend from Claim 19. Therefore, allowance of Claims 19-23 is respectfully solicited.

As Claim 1, Claim 12 and Claim 19 comprise similar limitations, Applicants respectfully assert that Claims 1, 12 and 19 are patentable over O'Neill in view of Olarig. Since Claims 1, 12 and 19 are believed to be in a condition for allowance, Applicants respectfully request that the rejection of Claims 1, 12 and 19 under 35

USC 103(a) be withdrawn and that Claims 1, 12 and 19 be allowed. Therefore, allowance of Claims 1-23 is respectfully solicited.


CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected Claims is requested. Based on the amendments and arguments presented above, it is respectfully submitted that Claims 1-23 overcome the rejections of record. Therefore, allowance of Claims 1-23 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicants invites the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,  
WAGNER, MURABITO & HAO LLP

Dated: 12/7/, 2005

  
\_\_\_\_\_  
John P. Wagner  
Registration No. 35,398

Address: WAGNER, MURABITO & HAO LLP  
Two North Market Street  
Third Floor  
San Jose, California 95113

Telephone: (408) 938-9060 Voice  
(408) 938-9069 Facsimile

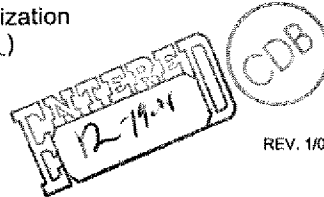
## Amendment Transmittal

**Applicant:** CHHABRA et al. **Filing Date:** 02/21/2002  
**Docket No.** 3COM-3645.DSD.US.P **Serial No.** 10/080,931  
**Title:** A ROBUST REMOTE FLASH ROM UPGRADE SYSTEM  
AND METHOD

**Sir:**  
Please acknowledge receipt of the following:

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**Submitted:** 12/07/2005



**WAGNER, MURABITO AND HAO, LLP**  
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2 NORTH MARKET ST., 3RD FLOOR  
SAN JOSE, CA 95113

**CITIBANK**  
SAN JOSE, CA 95124  
90-7118/3211 108

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**AY** One Hundred Twenty and No/100 Dollars  
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### Amendment Transmittal

**Applicant:** CHHABRA et al. **Filing Date:** 02/21/2002  
**Docket No.** 3COM-3645.DSD.US.P **Serial No.** 10/080,931  
**Title:** A ROBUST REMOTE FLASH ROM UPGRADE SYSTEM  
AND METHOD

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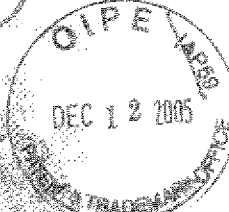
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